IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Bail Appl..No. 386 of 2007()

CRIME NO. 513/06 OF BALUSSERY POLICE STATION

PETITIONER/ACCUSED NO.1

AJITH KUMAR @ ANIL KUMAR, S/O. GOVINDAN,
AGED 35 YEARS, PINDAM NEEKKIMEETHAL HOUSE,
AVIDANALLUR AMSOM, POONATH DESOM,
KOZHIKODE DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE S.I. OF POLICE,
BALUSSERY POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 386 of 2007

DATED: 31-01-2007

O R D E R

Petitioner who is the first accused in Crime No.513 of 2006 of Balussery Police Station for offences punishable under Secs. 341, 324 and 308 read with Sec. 34 I.P.C., seeks anticipatory bail. The occurrence took place on 28-12-2006.

2. The learned Public Prosecutor opposed the application submitting inter alia that two persons were injured in the occurrence during which the petitioner had wrongfully restrained the de facto complainant who was driving an autorickshaw along the road and stabbed the complainant with a knife. The motive behind this is the existence of a civil dispute between them.

2. Anticipatory bail cannot be granted in a case of this nature. But at the same time I am inclined to permit the petitioner to surrender before the Investigating Officer and then have his regular bail application disposed of by the Magistrate concerned. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 05-02-2007 and 07-02-

2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. Thereafter the petitioner shall be produced on the same day before the Magistrate who shall release the petitioner on bail imposing appropriate conditions safeguarding the interest of the prosecution as well.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

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